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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**NASSAU COUNTY POLICE DEPARTMENT  
and NASSAU COUNTY**

**Defendants.**

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: **Civil Action No. 07-3980(LDW)(WDW)**

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**CONSENT DECREE**

Plaintiff Equal Employment Opportunity Commission ("EEOC") and Defendants Nassau County Police Department and Nassau County ("Defendants") have agreed to resolve this action by the terms of this Consent Decree. EEOC brought this action on or about September 24, 2007 pursuant to the Age Discrimination in Employment Act (ADEA) alleging that Defendants discriminated against Lawrence Coleman, Arthur D'Alessandro, Robert Macaulay, and Joseph Petrella (Charging Parties) because of their age. On or about July 27, 2006, Defendants transferred the Charging Parties out of their Marine Bureau positions and into precincts that were less desirable to them and replaced them with younger officers. EEOC alleges that as a result of the discriminatory transfer from the Marine Bureau, Coleman and Macaulay were constructively discharged and D'Alessandro and Petrella continued to work in precincts that were less favorable to them. Charging Parties' files contained numerous positive commendations from the public throughout their employment with Defendants and their files contained no negative performance evaluations prior to their transfer or at any time.

Defendants deny liability and do not admit any unlawful conduct or wrong-doing.

The parties desire to settle this action, and therefore do stipulate and consent to the entry of this Decree as final and binding between the parties and their successors or assigns.

The parties agree that this Decree may be entered into without Findings of Fact and Conclusions of Law being made and entered by the Court.

The parties submit this Decree for Preliminary Approval by the Court in anticipation of Defendants' securing payment of damages in resolution of this matter from the Nassau County State Legislature. After such payments are made, the parties will request Final Approval and entry of this Decree from the Court. The parties shall submit a request for Final Approval, or at a minimum provide a status update to the Court regarding such submission, within three months of Preliminary Approval.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, it is agreed and IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Decree resolves all matters related to Civil Action No. 07-3980, now pending in the United States District Court for the Eastern District of New York, and the following EEOC Charges: 520-2007-00542, 520-2007-00558, 520-2007-00551 and 520-2007-00544. The Decree does not resolve any other charges of discrimination currently pending before EEOC, or any charge that may be filed in the future against Defendants.

2. The parties agree that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met.

3. No party shall contest the jurisdiction of the federal court to enforce this Decree and its terms or the right of any party to bring an enforcement suit upon breach of any of the terms of this Decree by any other party. Nothing in this Decree shall be construed to preclude a party from bringing proceedings to enforce this Decree in the event that the opposing party fails to perform any

of the promises and representations contained herein.

4. Defendants, their managers, officers, agents, successors, and assigns are hereby enjoined from discriminating against any individual on the basis of age in regard to transfer or termination of their employees. Defendants, their managers, officers, agents, successors, and assigns are hereby further enjoined from retaliating against any individual because that individual is a beneficiary of this Decree, has filed a complaint, or has provided information, assistance, or participated in any other manner in this investigation or litigation.

5. Defendants shall reinstate D'Alessandro and Petrella to the Marine Bureau within 30 days of the Court's Preliminary Approval of this Decree.

6. Defendant shall pay \$450,000.00 in liquidated damages to resolve all claims in EEOC's Complaint in this matter. This Decree is made subject to the approval of the Nassau County Legislature ("Legislature"). To secure approval of this resolution Defendants shall request that the settlement be placed on the calendar before the Nassau County Legislature's Rules and Finance Committees ("Committees"). Defendants anticipate that this matter will be on the calendar for November 17, 2008. Defendants shall inform EEOC, through a written status update, within 3 days of learning when the settlement will be on the calendar before these Committees. Following approval from the Committees, the settlement must be approved by the Nassau County Legislature. Defendants shall inform EEOC, through a written status update, within 3 days of learning if the settlement was approved by the Committees. Defendants anticipate that the settlement will be on the calendar before the Legislature on December 1, 2008. Defendants shall inform EEOC, through a written status update, within 3 days of learning when the settlement will be on the calendar before the Legislature. Defendants shall inform EEOC,

through a written status update, within 3 days of when the Legislature votes on the settlement. Defendants shall make payment in settlement of this matter, as outlined in Exhibit A, within 30 days of the Legislature's vote to approve this settlement, and within 90 days of Preliminary Approval of this Decree. All status updates to EEOC may be emailed to [sunu.chandy@eeoc.gov](mailto:sunu.chandy@eeoc.gov).

The specific amounts and tax designations are filed under seal as Exhibit A. Defendants shall issue each claimant appropriate tax forms for each payment. Copies of the checks shall be simultaneously emailed to EEOC's attention at [sunu.chandy@eeoc.gov](mailto:sunu.chandy@eeoc.gov).

7. Within 3 days of Preliminary Approval of this Decree, Defendants shall post a remedial Notice at the Marine Bureau administrative offices at a location visible to all Marine Bureau employees. See Notice attached hereto as Exhibit B.

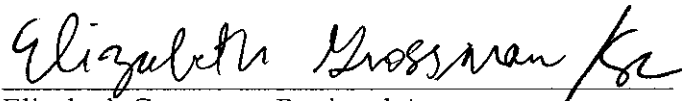
8. Within 180 days of entry of Preliminary Approval of this Decree, Defendants shall require all management and supervisory staff of Nassau County Police Department to participate in a 4 hour anti-discrimination classroom training devoted to the statutes enforced by the EEOC, with an emphasis on the ADEA. Defendants shall email EEOC confirmation of these training sessions, including sign-in sheets, on a rolling basis within 30 days of each session.

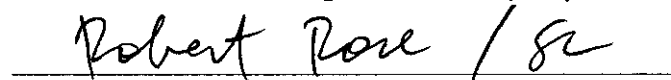
9. The parties shall meet and confer in order to revise Defendants' current anti-discrimination policies and complaint procedures. The parties shall file such revised policies with the Court prior to the Final Approval of this Decree. Within 30 days of entry of the Final Approval of this Decree, Defendants shall confirm to EEOC that the revised policies and procedures were distributed to all of their employees.


10. Each party shall bear its own attorney fees and costs incurred in this action.
11. This Decree constitutes the complete understanding among the parties. No other promises or agreements shall be binding unless agreed to in writing and signed by these parties.
12. EEOC may monitor Defendants' compliance with this Consent Decree by inspection of Defendant's premises and records with reasonable notice, as well as interviewing witnesses and employees.
13. This Decree will remain in effect for 4 years from the date of entry of the Final Approval.

**FOR PLAINTIFF EEOC**

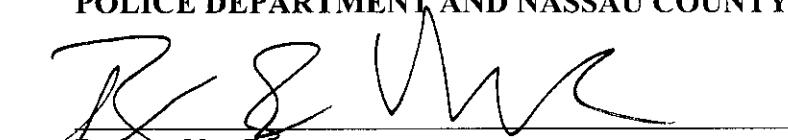
Dated: 10/21/08

  
Elizabeth Grossman, Regional Attorney

  
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**FOR DEFENDANTS NASSAU COUNTY  
POLICE DEPARTMENT AND NASSAU COUNTY**

  
Barbara Van Riper

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**PRELIMINARY APPROVAL  
SO ORDERED, ADJUDGED, AND DECREED,**

Signed this 22 day of October, 2008

  
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**HONORABLE LEONARD D. WEXLER**

**FINAL APPROVAL  
SO ORDERED, ADJUDGED, AND DECREED,**

Signed this \_\_\_\_ day of \_\_\_\_\_, 2008

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**HONORABLE LEONARD D. WEXLER**

**EXHIBIT A**

**FILED UNDER SEAL**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office**

**EXHIBIT B**

**NOTICE TO EMPLOYEES OF NASSAU COUNTY MARINE BUREAU**

1. This NOTICE to all employees of the Nassau County Marine Bureau is being posted as part of a Consent Decree entered by the Court to resolve litigation between Nassau County and Nassau County Police Department ("Defendants") and the U.S. Equal Employment Opportunity Commission ("EEOC").

2. The federal law entitled the Age Discrimination in Employment Act ("ADEA") prohibits employers from discriminating against employees based on employees' age, and prohibits retaliation against employees for opposing age discrimination.

3. In this case, the EEOC alleged that Defendants transferred the Charging Parties out of their Marine Bureau positions because of their age. Pursuant to a Consent Decree, Defendants have agreed to pay the Charging Parties for lost earnings and reinstate them to the Marine Bureau. Defendants have also agreed to provide anti-discrimination and anti-retaliation training to all supervisory staff and have agreed to distribute a revised complaint procedure for employees who feel they have been discriminated against or retaliated against.

4. Defendants agree that neither they nor their managers, officers, agents, successors, or assigns will discriminate against any individual because of the individual's age or engage in retaliation toward any individual for asserting his or her rights under the ADEA. Defendants and their managers, officers and agents further agree not to retaliate against any individual who has participated in this matter in some way, including giving testimony in this matter.

5. Should you have any complaints of discrimination, you may reach the Police Department's Equal Employment contact, Inspector Thomas Krumpert, at 516-573-7150 or you may contact Mary Elisabeth Ostermann, Director of Equal Employment Opportunity for Nassau County, at 516-571-6176.

You may also contact EEOC at **800-669-4000** and review information about equal employment on the website at **www.eeoc.gov**.

THIS IS AN OFFICIAL NOTICE AND SHALL NOT BE DEFACED BY ANYONE  
This notice must remain posted for four years from date of posting, until \_\_\_\_\_, 2012.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008

By: \_\_\_\_\_  
**Lawrence Mulvey, Police Commissioner**